

**Notice of Allowability**

Application No.

10/760,532

Applicant(s)

PAJUKOSKI ET AL.

Examiner

Sanh D. Phu

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 5/11/2007.
2. ☒ The allowed claim(s) is/are 7,10,11,18 and 20-22.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 5/11/07.

Accordingly, claims 15 and 23 are canceled; and claims 1-14 and 16-22 are currently pending of which claims 7, 10, 11, 18 and 20-22 are elected; claims 1-6, 8, 9, 12-14, 16, 17 and 19 are non-elected.

### *Information Disclosure Statement*

2. The IDS filed 1/21/04 has been received and recorded in the file.

Reference WO 02/075950, listed under section "FOREIGN PATENT

DOCUMENTS" of the IDS has been considered. However, reference

"Performance of Smart Antenna Receivers in WCDMA Uplink With Spatially

Coloured Interference", listed under section "OTHER REFERENCES" of the IDS has

not been considered because the publication date of the document is not

provided from the applicant.

### EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the

changes and/or additions be unacceptable to applicant, an amendment may be

filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

**IN THE CLAIMS:**

-Claims 1-6, 8, 9, 12-14, 16, 17 and 19 are canceled.

4. This application is in condition for allowance except for the presence of claims 1-6, 8, 9, 12-14, 16, 17 and 19 directed to claims non-elected without traverse. Accordingly, claims 1-6, 8, 9, 12-14, 16, 17 and 19 have been cancelled.

**REASONS FOR ALLOWANCE**

5. Claims 7, 10, 11, 18 and 20-22 are allowed.

6. The following is an examiner's statement of reasons for allowance:

-Regarding to independent claim 7, none of prior art of record teaches or suggests a multi-user receiver comprising a switching means for conveying received signals to a branch with the whitening arrangement or to another branch without the whitening arrangement depending on a used bit rate, wherein the multi-user receiver is configured to use at least two antenna

elements and in which an influence of interference is reduced; and determining means for determining the predetermined users from whom the whitening is removed based on a bit rate threshold.

–Regarding to independent claim 18, none of prior art of record teaches or suggests a base station comprising a multi-user receiver, wherein the multi-user receiver is configured to use at least two antenna elements and, in the base station, an influence of an interference is reduced; a switching arrangement configured to convey received signals to a branch with a whitening arrangement or to another branch without the whitening arrangement depending on a used bit rate; and a determining unit configured to determine the predetermined users from whom the whitening is removed based on a bit rate threshold.

–Regarding to independent claim 20, none of prior art of record teaches or suggests a multi-user receiver comprising a switching arrangement for conveying received signals to a branch with the whitening arrangement or to another branch without the whitening arrangement depending on a used bit rate, wherein the multi-user receiver is configured to use at least two antenna

elements and in which an influence of interference is reduced; and determining unit for determining the predetermined users from whom the whitening is removed based on a bit rate threshold.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M-Fr from 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sanh D. Phu  
Patent Examiner  
Division 2618

6/19/07

SP

SANH D. PHU  
PATENT EXAMINER

